

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE MATTER OF: BID PROTEST

PYRAMID CONTRACTING, LLC

VS.

UNIVERSITY OF SOUTH CAROLINA  
USC SOM ANIMAL CARE RENOVATION  
PROJECT H27-Z152

BEFORE THE CHIEF PROCUREMENT  
OFFICER FOR CONSTRUCTION

CASE NO. 2015-002

DECISION

POSTING DATE: 10/7/2014

This matter is before the Chief Procurement Officer for Construction (CPOC) pursuant to a request from Pyramid Contracting, LLC (Pyramid), under the provisions of §11-35-4210 of the South Carolina Consolidated Procurement Code, for an administrative review on the USC SOM Animal Care Renovation bid ("the Project") for the University of South Carolina (USC). Pyramid protests USC's posting of a Notice of Intent to Award a contract to McCarter Mechanical, Inc. (McCarter). Pursuant to S.C. Code Ann. §11-35-4210(4), the CPOC conducted an administrative review. This decision is based on the evidence and applicable law and precedents.

#### **NATURE OF THE PROTEST**

Pyramid's protest is incorporated herein by reference and attached hereto as Exhibit A.

#### **RELEVANT FACTS**

1. USC advertised for bids for the project on July 17, 2014. [Ex. B]
2. By the time for receipt of bids, USC received five bids. [Ex. C]
3. Pyramid submitted the next to the highest bid. [Ex. C]
4. USC determined all bidders but McCarter to be nonresponsible bidders for failure to meet the requirements of S.C. Code Ann. § 40-11-340 for bidding as a sole prime contractor.
5. On August 29, 2014, USC posted a Notice of Intent to Award a contract to McCarter. [Ex. D]

## DISCUSSION

At issue in this solicitation is whether Pyramid's license permits Pyramid to bid and act as a sole prime contractor for this Project.<sup>1</sup> Pyramid possesses an unlimited contractor's license (Group 5) with a General Contractors-Building Classification (BD). USC determined that this license classification BD was not appropriate for this project and declared Pyramid to be a nonresponsible bidder.

A determination of responsibility is required by S.C. Code Ann. § 11-35-1810, which states "[r]esponsibility of the bidder or offeror shall be ascertained for each contract let by the State." A procurement officer's determination of responsibility is final and conclusive unless it is "clearly erroneous, arbitrary, capricious, or contrary to law." S.C. Code Ann. § 11-35-2410(A). To prevail, the protestant must prove the responsibility determination is clearly erroneous, arbitrary, capricious, or contrary to law. *Protest of Brantley Construction Co., Inc.*, Panel Case No. 1999-3.

A responsibility determination is a determination that the bidder has the ability to perform. *See* S.C. Code Ann. Regs. 19-445.2125(A)(1). Possession of the proper contractor license is an issue of responsibility. *Protest of Brantley Construction Co., Inc.*, Panel Case No. 1999-3 (where the State is investigating the bidder's ability to perform it is deciding an issue of responsibility); *Protest of Roofco, Inc.*, Panel Case No. 2000-14(I) ( "[T]he lack of a proper license to do the work solicited in a state contract will always render a bidder nonresponsible."); *see also* S.C. Code Ann. § 40-11-200(B).<sup>2</sup>

A contractor possessing a BD license "may act as a sole prime contractor on a project if forty percent or more of the work as measured by the total cost of construction falls under ... the licensee's license classifications or subclassifications." S.C. Code Ann. § 40-11-340. Applying this language to the Project, the "awarding authority" must determine the cost of that regulated portion of the work within the BD classification and divide this amount by the total cost of the project (*i.e.*, the cost of both regulated and unregulated work). *See* S.C. Code Ann. § 40-11-20(23).

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<sup>1</sup> A contractor is limited to the scope of his license group and classification both in bidding and performing work. S.C. Code Ann. § 40-11-270; *see also* §§ 40-11-30 and -260(A).

<sup>2</sup> "It is a violation of this chapter for an awarding authority, owner, contractor...to consider a bid, sign a contract, or allow a contractor to begin work unless the bidder or contractor has first obtained the licenses required by this chapter. Bids or contracts submitted by contractors may not be reconsidered or resubmitted to an awarding authority, contractor, or owner if the contractor was not properly licensed at the time the initial bid or contract was submitted."

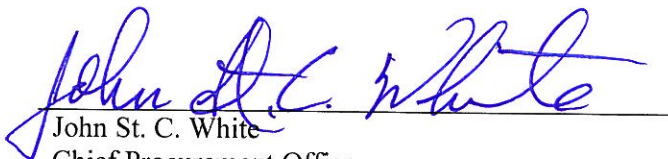

Before bidding the project out, USC's designer of record had its cost consultant prepare an estimate of the Project construction cost for USC. [Ex. E] The cost consultant's estimate of probable cost for the base bid for the project was \$568,385, an amount consistent with the range of bids USC received. [Ex. E & Ex. C] Of this amount, the cost consultant estimated the probable cost of work associated with work requiring a license other than a BD license at \$354,348, which is 62.3% of the estimate of the probable cost. Using the cost consultants estimate, USC gave Pyramid credit for the remaining work and determined that because this amount was not 40% of the total, Pyramid could not bid the project as a sole prime contractor. [Ex. F]

To support its position that it was licensed to bid as a sole prime contractor, Pyramid provided USC with its own cost breakdown for the cost of the work and pointed to the bid tab showing that three other general contractors bid the project. USC chose not to rely on this information.

The question presented to the CPOC is not whether USC could have (or as Pyramid's protests suggest, should have) relied on the information provided by Pyramid but whether USC's decision to rely on the cost consultant's estimate to make its responsibility determination was clearly erroneous, arbitrary, capricious, or contrary to law. The Procurement Review Panel has held that a Procurement Officer may rely on the project architect-engineer's estimate of probable cost in making a determination of responsibility under the State's licensing laws. *See Protest of Cannon Construction Company, Inc.*, Panel Case No. 2012-4. Therefore, USC's decision to do so is not clearly erroneous, arbitrary, capricious, or contrary to law. Indeed this approach provides a consistent objective approach for determining the required license thus precluding an arbitrary or capricious decision.

#### **DETERMINATION**

USC's determination that Pyramid was not properly licensed to bid the Project as a sole prime contractor was not "clearly erroneous, arbitrary, capricious, or contrary to law." The protest is therefore denied.

  
John St. C. White  
Chief Procurement Officer  
For Construction  
  
Date

Columbia, South Carolina

**STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW**  
*Protest Appeal Notice (Revised June 2013)*

The South Carolina Procurement Code, in Section 11-35-4210, subsection 6, states:

(6) Finality of Decision. A decision pursuant to subsection (4) is final and conclusive, unless fraudulent or unless a person adversely affected by the decision requests a further administrative review by the Procurement Review Panel pursuant to Section 11-35-4410(1) within ten days of posting of the decision in accordance with subsection (5). The request for review must be directed to the appropriate chief procurement officer, who shall forward the request to the panel or to the Procurement Review Panel, and must be in writing, setting forth the reasons for disagreement with the decision of the appropriate chief procurement officer. The person also may request a hearing before the Procurement Review Panel. The appropriate chief procurement officer and an affected governmental body shall have the opportunity to participate fully in a later review or appeal, administrative or judicial.

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Copies of the Panel's decisions and other additional information regarding the protest process is available on the internet at the following web site: <http://procurement.sc.gov>

FILE BY CLOSE OF BUSINESS: Appeals must be filed by 5:00 PM, the close of business. *Protest of Palmetto Unilect, LLC*, Case No. 2004-6 (dismissing as untimely an appeal emailed prior to 5:00 PM but not received until after 5:00 PM); *Appeal of Pee Dee Regional Transportation Services, et al.*, Case No. 2007-1 (dismissing as untimely an appeal faxed to the CPO at 6:59 PM).

FILING FEE: Pursuant to Proviso 108.1 of the 2013 General Appropriations Act, "[r]equests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410...Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of financial hardship, the party shall submit a completed Request for Filing Fee Waiver form at the same time the request for review is filed. The Request for Filing Fee Waiver form is attached to this Decision. If the filing fee is not waived, the party must pay the filing fee within fifteen days of the date of receipt of the order denying waiver of the filing fee. Requests for administrative review will not be accepted unless accompanied by the filing fee or a completed Request for Filing Fee Waiver form at the time of filing." PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."

LEGAL REPRESENTATION: In order to prosecute an appeal before the Panel, business entities organized and registered as corporations, limited liability companies, and limited partnerships must be represented by a lawyer. Failure to obtain counsel will result in dismissal of your appeal. *Protest of Lighting Services*, Case No. 2002-10 (Proc. Rev. Panel Nov. 6, 2002) and *Protest of The Kardon Corporation*, Case No. 2002-13 (Proc. Rev. Panel Jan. 31, 2003); and *Protest of PC&C Enterprises, LLC*, Case No. 2012-1 (Proc. Rev. Panel April 2, 2012). However, individuals and those operating as an individual doing business under a trade name may proceed without counsel, if desired.

**South Carolina Procurement Review Panel  
Request for Filing Fee Waiver  
1105 Pendleton Street, Suite 202, Columbia, SC 29201**

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\_\_\_\_\_  
Name of Requestor

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

\_\_\_\_\_  
Business Phone

- 
1. What is your/your company's monthly income? \_\_\_\_\_
  2. What are your/your company's monthly expenses? \_\_\_\_\_
  3. List any other circumstances which you think affect your/your company's ability to pay the filing fee:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To the best of my knowledge, the information above is true and accurate. I have made no attempt to misrepresent my/my company's financial condition. I hereby request that the filing fee for requesting administrative review be waived.

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public of South Carolina

\_\_\_\_\_  
Requestor/Appellant

My Commission expires: \_\_\_\_\_

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For official use only: \_\_\_\_\_ Fee Waived \_\_\_\_\_ Waiver Denied

\_\_\_\_\_  
Chairman or Vice Chairman, SC Procurement Review Panel

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_  
Columbia, South Carolina

**NOTE: If your filing fee request is denied, you will be expected to pay the filing fee within fifteen (15) days of the date of receipt of the order denying the waiver.**



**Singh, Anastasia**

**EXHIBIT A**

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**From:** Protest-OSE  
**Sent:** Friday, September 05, 2014 1:11 PM  
**To:** White, John; Singh, Anastasia  
**Subject:** FW: Non Responsible Letter for USC SOM Animal Care Renovations/H27-Z152  
**Attachments:** Pyramid.pdf; Bid Tab.pdf; RE\_ Cost Breakdown.pdf  
  
**Importance:** High

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From: Wade  
Sent: Friday, September 05, 2014 1:14:00 PM (UTC-05:00) Eastern Time (US & Canada)  
To: Protest-OSE  
Cc: [JBROOKIN@fmc.sc.edu](mailto:JBROOKIN@fmc.sc.edu); Bobby Alexander  
Subject: FW: Non Responsible Letter for USC SOM Animal Care Renovations/H27-Z152

To whom it may concern,

Pyramid Contracting would like to protest the award of the USC SOM Animal Care Renovations. Attached is a letter claiming that Pyramid is Non Responsible, the bid tab from the project and the email that was requested by the owner to decide this matter. It is clear that the percentage of the project that will be under a sole contractor is in the acceptable range. I will be glad to supply any back up needed to help resolve this.

Please advise.

Thanks!  
Wade Bozeman  
Chief Operations Officer  
Pyramid Contracting, LLC  
1108-A Lykes Lane  
Irmo, SC 29063  
P: 803.732.2050  
F: 803.732.6881  
[Wade@pyramidcontracting.com](mailto:Wade@pyramidcontracting.com)

MBE / DBE / SBE CERTIFIED

-----Original Message-----

From: BROOKINS, JUAQUANA [<mailto:JBROOKIN@fmc.sc.edu>]  
Sent: Friday, August 29, 2014 2:58 PM  
To: Wade; Bobby Alexander  
Subject: Non Responsible Letter for USC SOM Animal Care

**From:** Wade  
**To:** ["BROOKINS, JUAQUANA"](#)  
**Cc:** ["Bobby@pyramidcontracting.com"](mailto:Bobby@pyramidcontracting.com)  
**Subject:** RE: Cost Breakdown  
**Date:** Thursday, August 14, 2014 9:40:00 AM

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Here ya go... USC SOM Animal Care Renovations Prelim Schedule of Values:

General Conditions-	\$18,031.00
Demolition and Cleanup-	\$11089.00
Masonry-	\$4,800.00
Caulking and Fireproofing-	\$3,050.00
Ceilings and Drywall-	\$156,500.00
Epoxy Flooring-	\$29,700.00
Painting-	\$7,500.00
Wall Guards-	\$6,075.00
Fire Sprinkler-	\$15,000.00
HVAC-	\$330,489.00
Electrical-	\$48,900.00
Insurance, Bonds and taxes-	\$16,359.00
Overhead and Profit-	\$39,507.00

Let me know what else I can do for you.

Thanks!!!

Wade Bozeman  
Chief Operations Officer  
Pyramid Contracting, LLC  
1108-A Lykes Lane  
Irmo, SC 29063  
P: 803.732.2050  
F: 803.732.6881  
[Wade@pyramidcontracting.com](mailto:Wade@pyramidcontracting.com)



**MBE / DBE / SBE CERTIFIED**

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**From:** BROOKINS, JUAQUANA [<mailto:JBROOKIN@fmc.sc.edu>]  
**Sent:** Thursday, August 14, 2014 8:56 AM  
**To:** Wade  
**Subject:** Cost Breakdown

Wade,

Will you please send me your cost breakdown for the SOM Animal Care Renovation.

Thanks!

**Juaquana Brookins**

University of South Carolina

743 Greene Street | Columbia, SC 29208

P: 803.777.3596 | F: 803.777.7334 | E: [jbrookin@fmc.sc.edu](mailto:jbrookin@fmc.sc.edu)



# EXHIBIT B

July 17, 2014

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Volume 34, Issue 46

**Note:** All questions & correspondence concerning this Invitation to Bid shall be addressed to the A/E.

**Bidding Documents/Plans May Be Obtained From:**  
<http://www.clemson.edu/facilities/capital-projects/projects/index.html>

**Plan Deposit:** None

**Note:** Only those bidding documents / plans obtained from the aforementioned source are official. Bidders rely on copies of bidding documents / plans obtained from any other source at their own risk.

**Pre-Bid Conf.:** Not mandatory

**Pre-Bid Date/Time:** 7/29/14 - 2:00pm

**Place:** Gentry Hall, 191 Old Greenville Hwy., Clemson, SC 29634-5952

**Agency/Owner:** Clemson University

**Agency Procurement Officer:** Bill Hurst

**Address:** University Facilities, Klugh Avenue, Clemson, SC 29634

**E-mail:** [Hurst2@clemson.edu](mailto:Hurst2@clemson.edu)

**Telephone:** (864) 643-6291

**Fax:** (864) 656-0793

**Bid Closing Date/Time:** 8/28/14 - 2:00pm

**Place:** Gentry Hall, 191 Old Greenville Hwy., Clemson, SC 29634-5952

**Hand Deliver/Mail Bids To:** Clemson University, Attn.: Pat Crowther, Capital Projects, Gentry Hall, 191 Old Greenville Hwy., Clemson, SC 29634-5952

**Project Name:** U.S.C. - S.O.M.

**ANIMAL CARE RENOVATIONS**

**Project Number:** H27-Z152

**Project Location:** University of South Carolina, School of Medicine, Columbia

**Bid Security Required:** Yes

**Performance Bond Required:** Yes

**Payment Bond Required:** Yes

**Description of Project:** The project consists of minor demolition & renovation of the existing 4,420 sq. ft. vivarium in the basement of USC SOM Building 4. The project includes, but is not limited to, hot water piping, ductwork, lab supply & exhaust valves, ceiling replacements, lighting replacements, & finishes. It is the bidder's responsibility to download all bidding documents from the Purchasing web site, <http://purchasing.sc.edu>.

Small & minority business participation is encouraged. Contractor may be subject to performance appraisal at close of project.

**Construction Cost Range:** \$600,000 - \$650,000

**Architect/Engineer:** GMK Associates

**A/E Contact:** Jody Ricard

**A/E Address:** 1201 Main St., Ste. 2100, Columbia, SC 29201

**A/E E-mail:** [jricard@gmka.com](mailto:jricard@gmka.com)

**A/E Telephone:** (803) 256-0000

**Note:** All questions & correspondence concerning this Invitation to Bid shall be addressed to the A/E.

**Bidding Documents/Plans May Be Obtained From:**  
<http://purchasing.sc.edu> - see Facilities / Construction Solicitations & Awards

**Plan Deposit:** None

**Note:** Only those bidding documents / plans obtained from the aforementioned source are official. Bidders rely on copies of bidding documents / plans obtained from any other source at their own risk.

**Bidding Documents/Plans Are Also on File for Viewing Purposes Only At:** <http://purchasing.sc.edu> - it is the contractor's responsibility to download any documents from the Purchasing web site

**Pre-Bid Conf.:** Not mandatory

**Pre-Bid Date/Time:** 7/29/14 - 10:00am

**Place:** 743 Greene St., Conference Room 53, Columbia, SC 29208

**Agency/Owner:** University of South Carolina

**Agency Procurement Officer:** Juaquana Brookins

**Address:** 743 Greene St., Columbia, SC 29208

**Telephone:** (803) 777-3596

**Fax:** (803) 777-7334

**E-mail:** [jbrookin@fmc.sc.edu](mailto:jbrookin@fmc.sc.edu)

**Bid Closing Date/Time:** 8/12/14 - 2:00pm

**Place:** 743 Greene St., Conference Room 53, Columbia, SC 29208

**Hand Deliver/Mail Bids To:** USC, Attn.: Juaquana Brookins, Facilities Planning & Construction, 743 Greene St., Columbia, SC 29208

**Project Name:** GODLEY SNELL

**ROOF REPLACEMENT**

**Project Number:** CUP-4001719

**Project Location:** Clemson University Main Campus

**Bid Security Required:** Yes

**Performance Bond Required:** Yes

**Payment Bond Required:** Yes

**Description of Project:** Remove existing roofing & replace with new roofing on Godley Snell Building on Clemson Campus, in accordance with drawings & specifications prepared by REI Engineers dated July 9, 2014. Contractor may be subject to performance appraisal at close of project.

**Construction Cost Range:** \$100,000 - \$500,000

**Architect/Engineer:** REI Engineers

**A/E Contact:** Roger Parker, RRC, RRO, CDT

**A/E Address:** 44 Markfield Dr., Unit F, Charleston, SC 29407

**A/E E-mail:** [parker@reiengineers.com](mailto:parker@reiengineers.com)

**A/E Telephone:** (843) 412-1955

**A/E Fax:** (843) 225-6273

**Note:** All questions & correspondence concerning this Invitation to Bid shall be addressed to the A/E.

**Bidding Documents/Plans May Be Obtained From:**  
<http://www.clemson.edu/facilities/capital-projects/projects/index.html>

**Plan Deposit:** None

**Note:** Only those bidding documents / plans obtained from the aforementioned source are official. Bidders rely on copies of bidding documents / plans obtained from any other source at their own risk.

**Pre-Bid Conf.:** Not mandatory

**Pre-Bid Date/Time:** 8/12/14 - 2:00pm

**Place:** Gentry Hall, 191 Old Greenville Hwy., Clemson, SC 29634-5952

**Agency/Owner:** Clemson University

**Agency Procurement Officer:** Allan Garrett

**Address:** University Facilities, Klugh Avenue, Clemson, SC 29634

**E-mail:** [gallan@clemson.edu](mailto:gallan@clemson.edu)

**Telephone:** (864) 643-6057

**Fax:** (864) 656-0793

**Bid Closing Date/Time:** 8/26/14 - 2:00pm

**Place:** Gentry Hall, 191 Old Greenville Hwy., Clemson, SC 29634-5952

**Hand Deliver/Mail Bids To:** Clemson University, Attn.: Pat Crowther, Capital Projects, Gentry Hall, 191 Old Greenville Hwy., Clemson, SC 29634-5952

**Project Name:** OFFICE OF GENERAL SERVICES - HORTICULTURE METAL BUILDING REPLACEMENT (100329)

**Project Number:** F03-N296-CA

**Project Location:** 2556 Bull St., Columbia, SC 29201

**Bid Security Required:** Yes

**Performance Bond Required:** Yes

**Payment Bond Required:** Yes

**Description of Project:** Demolition of the existing Butler building & attached chemical storage area to accommodate new insulated metal building, with small storage area, on the existing concrete slab, & MEP, & civil necessary to accommodate new building & all associated parts of this replacement. Contractor may be subject to performance appraisal at close of project.

**Construction Cost Range:** \$60,000 < \$100,000

**Architect/Engineer:** Compass 5 Partners, LLC

**A/E Contact:** Maryellyn Cannizzaro, AIA, NCARB, LEED AP

**A/E Address:** 1329 State St., Cayce, SC 29033

**A/E E-mail:** [mcanniz-zaro@compass5partners.com](mailto:mcanniz-zaro@compass5partners.com)

**A/E Telephone:** (803) 765-0838

# University of South Carolina Bid Tabulation Columbia, South Carolina

EXHIBIT C

Project Name: USC SOM Animal Care Renovations  
Project Number: H27-Z152  
Bid Closing Date & Time: August 12, 2014 @ 2pm

Bidder	Bid Bond	Ack Add (2)	Base Bid	Alternate 1		Alternate 2		Alternate 3		Base Sub			Alt 1 Sub			Alt 2 Sub			Alt 3 Sub		
				Add		Add		Add		Electrical (EL)	Plumbing (PB)		Electrical (EL)	Plumbing (PB)		Electrical (EL)	Plumbing (PB)		Electrical (EL)	Plumbing (PB)	
FBI Construction **	X	X	\$ 632,000	\$ 195,000	\$ 26,000	\$ 26,000	\$ 61,000	\$ 61,000		Palmetto State	Triad		Palmetto State	Triad		Palmetto State	Triad		Palmetto State	Triad	
Hammer Construction **	X	X	\$ 593,507	\$ 12,500	\$ 23,500	\$ 23,500	\$ 52,300	\$ 52,300		Palmetto State	Triad		South Eastern	Triad		South Eastern	Triad		South Eastern	Triad	
McCarter Mechanical	X	X	\$ 697,250	\$ 16,437	\$ 22,905	\$ 22,905	\$ 44,580	\$ 44,580		Palmetto State	McCarter		Palmetto State	McCarter		Palmetto State	McCarter		Palmetto State	McCarter	
Pyramid Contracting **	X	X	\$ 687,000	\$ 15,500	\$ 25,000	\$ 25,000	\$ 45,000	\$ 45,000		Cummings	Cullum		Cummings	Cullum		Cummings	Cullum		Cummings	Cullum	
Northlake Construction * & **	X	X	\$ 603,000	\$ 11,200	\$ 32,000	\$ 32,000	\$ 70,000	\$ 70,000		South Eastern	Triad		South Eastern	Triad		South Eastern	Triad		South Eastern	Triad	

\* Non Responsive - Bidder failed to list specialty subcontractor on bid form  
\*\* Non Responsible - Section 40-11-340 of L.R. - Qualification for action as sole prime contractor

Recorded By: Jody Ricard

Read By: Juaquana Brookins



## STATE OF SOUTH CAROLINA

*University of South Carolina (insert agency name)**743 Greene Street, Columbia, South Carolina 29208 (insert agency address)*

Posting Date: 8/29/2014

Unless stayed by protest or canceled, the State intends to enter into a contract for the project with the contractor noted below. The successful bid will be accepted and the contract formed by execution of the contract documents. All bid bonds remain in effect for the bid acceptance period as provide in Section 4 of the Bid Form, except as otherwise provided in the instructions to bidders.

Project Number: H27-Z152

Project Name: USC SOM Animal Care Renovations

Awarded To: McCarter Mechanical

Solicitation Type ☒ Invitation for Bid ☐ Request for Proposals

Contract Amount \$ \$697,250.00

Invitation for  
Bid

## Information Description

## Bid Amount

Base Bid Demolition &amp; renovation to hot water piping, ductwork, exhaust valves, etc.

\$ \$697,250.00

Alternate 1

\$

Alternate 2

\$

Alternate 3

\$

Remarks (explain any  
negotiations that resulted in a  
change in either the Base Bid or  
the accepted Bid Alternates)

Contractor should not incur any costs associated with the contract prior to receipt of a contract from the Agency for execution. The State assumes no liability for any expenses incurred by the contractor prior to submitting a contract to the contractor for execution. Contractor should not perform any work prior to (1) delivering to the Agency both certificates of insurance and performance and payment bonds meeting the requirements of the solicitation; and (2) receipt of the Agency's written notice to proceed. The State assumes no liability for any expenses incurred by the contractor prior to issuance of notice to proceed other than contractor's non-reimbursable costs incurred in providing such bonds.

Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall protest within ten days of the date notification of award is posted in accordance with the Consolidated Procurement Code. A protest shall be in writing, shall set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided, and must be received by the appropriate Chief Procurement Officer within the time provided. [Section 11-35-4210]

PROTEST - CPO ADDRESS - OSE: Any protest must be addressed to the Chief Procurement Officer for Construction, Office of State Engineer, and submitted in writing (a) by email to protest-ose@mso.sc.gov, (b) by facsimile at 803-737-0639, or (c) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201. By submitting a protest to the foregoing email address, you (and any person acting on your behalf) consent to receive communications regarding your protest (and any related protests) at the e-mail address from which you sent your protest.

Agency Procurement Officer:

*Juanita Brooks*  
(Signature)

## INSTRUCTIONS TO THE AGENCY:

1. Post a copy of this form at the location specified by the Instructions to bidders and announced at the Bid Opening.
2. Send a copy of this form and the final bid tabulation to all responsive bidders and OSE.

# MASTER SUMMARY Budget Estimate

For  
**Vivarium Renovation**

**Building 4  
Columbia, SC**

**EXHIBIT E**

**Client:**  
Flad Architects  
Two Hanover Square, Suite 1120  
Raleigh, NC 27601

**Owner:**  
University of SC  
Columbia, SC

**Cost Estimator:**  
Aiken Cost Consultants  
1010 East North Street  
Greenville, SC 29601

	Total	
	Cost	%
<b>Basement</b>	568,385	100.0%
<b>Total Probable Base Bid</b>	<b>4,228 SF @ \$134 per SF</b>	<b>\$568,385 100.0%</b>
Construction Phase Contingency	56,838	10.0%
<b>Total Construction Cost (TCC)</b>	<b>\$625,223</b>	<b>110.0%</b>

## Project Notes / General Comments

This estimate has been prepared in accordance with generally accepted estimating practices and principles. Aiken Cost Consultants' staff is available to discuss our methods, pricing, assumptions, or estimating philosophy with any interested party. Please contact us by phone at (864) 232-9342, by fax at (864) 233-2573, or by e-mail at Brad@AikenCost.com.

Aiken Cost Consultants estimates are intended to be used as a professional opinion of the probable cost of construction, based on our understanding of the design at the time the estimate was prepared. We have no control over General or Subcontractor overhead and profit percentages, bidding climates, schedules, contractor's methods of determining prices, continuing design modifications or addenda, etc., therefore, we cannot guarantee that proposals, bids, or actual construction costs will be within a certain range of this, or subsequent, cost estimates.

In the present economic market most owners are benefitting from a competitive bidding climate. Sub-contractors and material suppliers continue to submit aggressive proposals. Inflation is presently low with no major changes projected.

When preparing each cost estimate submittal Aiken Cost Consultants reviews current market conditions and may apply a Market Conditions Factor to the project. This estimate anticipates a competitive bidding climate for every portion of work, for all contractors. Consideration has been given to; economic conditions, availability of labor & sub-contractors, and anticipated level of competition. One of several resources used to determine the Market Conditions Factor is the "Effect of Competition on Prices" table in the South Carolina State Engineer's Manual (see below). Additional project specific factors considered (when applicable) are; anticipated mid-point of construction, difficult conditions, phasing, limited or set-aside contracting requirements, etc. These multiple factors are reviewed at each submittal, and should also be considered whenever the project is delayed and/or market conditions change significantly.

BUILDING SUMMARY  
**Budget Estimate**  
 FOR  
**Vivarium Renovation**  
**Building 4**  
**Columbia, SC**

Client: <b>Flad Architects</b> <b>Two Hanover Square, Suite 1120</b> <b>Raleigh, NC 27601</b>	Owner: <b>University of SC</b> <b>Columbia, SC</b>	Cost Estimator: <b>Aiken Cost Consultants</b> <b>1010 East North Street</b> <b>Greenville, SC 29601</b>
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Project Data	
Project Code:	FLA2
Type of Work:	New Construction
Mid Point of Construction:	Jul 2014
Est Const Duration:(Months)	6
Owners Budget:	Unknown
ACC Last Estimate:	NA

Project Vivarium Renovation				
LEVEL 2 GROUP ELEMENTS	Element			
Level 3 Elements	Quantity	Unit	Rate (\$)	Cost
<b>Basement</b>				\$568,385
C10/20/30 Interior Construction & Finishes	4228	SF	41.40	175,040
D31 HVAC Ductwork, Valves and Exhaust System	4228	SF	61.59	260,405
D32 HVAC Controls	4228	SF	15.56	65,782
D40 Fire Protection	4228	SF	0.54	2,262
D50 Electrical	4228	SF	6.13	25,899
E10/20 Abatement	4228	SF	6.22	26,313
F10/20 Special Const. & Demolition	4228	SF	3.00	12,685

The above unit prices INCLUDE the following:		
Fees & Permits	General Contractor Home Office Expense	General Contractor's Profit
Bond	Escalation to Mid Point of Construction	Sub-Contractor OH&P
State Sales Tax	Difficult Conditions	
Design Contingency		

The following items are EXCLUDED from this estimate:
Design Fees
Inhouse Costs
Finance Costs

FLA2	<b>Vivarium Renovation</b>
Budget Estimate	
	<b>DESCRIPTION</b>
<b>Basement</b>	
	<b>C10/20/30 Interior Construction &amp; Finishes</b>
	<p>Epoxy Coating (low-VOC)</p> <p>Gridlock Ceiling System w/ Ultra Clean Panels</p> <p>General Polymers' Decorative Mosaic Epoxy System</p> <p>Wall Guard</p>
	<b>D31 HVAC Ductwork, Valves and Exhaust System</b>
	<p>HVAC System of ductwork, air distribution &amp; laboratory exhaust system with air valves</p>
	<b>D32 HVAC Controls</b>
	<p>DDC Controls System (Sole Supplier)</p>
	<b>D40 Fire Protection</b>
	<p>Wet Pipe Sprinkler System Mods To Accommodate Ceiling Work</p>
	<b>D50 Electrical</b>
	<p><b>D5022 Light Fixtures</b></p> <p>Fluor troffer recessed, 2x4</p> <p>Fluor. 4x1, 2 lamp gasketed, surface mld</p> <p><b>D5025 Equipment Conduit &amp; Wire</b></p> <p>Connect VAV boxes w/ new circuitry</p>



FLA2	<b>Vivarium Renovation</b>
Budget Estimate	
<b>DESCRIPTION</b>	
<b>E10/20 Abatement</b>	
Abatement	
<b>F10/20 Special Const. &amp; Demolition</b>	
Prep Floor to receive new epoxy	
Wall Prep	
Demo Wall Guard	
2'x2' or 2'x4' ACT, Mineral Fiber, on susp. system	
Rubbish Handling, 150' Haul, Dump, Return, Wheeled	
Haul Construction Debris, 5-mile	
Dump Charges, Building Construction Materials	
<b>Electrical</b>	
Remove fluorescent fixtures	



## EXHIBIT F

Facilities Planning & Construction

Phone (803) 777-3596  
Fax (803) 777-7334

August 18, 2014

To: Pyramid Contracting

Project Name & Number: USC SOM Animal Care Renovations/H27-Z152

Your bid has been deemed "non-responsible" due LLR Section 40-11-340. Qualifications for acting as sole prime contractor.

An entity licensed under the classifications or subclassifications in Sections 40-11-410(1), (2), or (3) may act as a sole prime contractor on a project if forty percent or more of the work as measured by the total cost of construction falls under one or more of the licensee's license classifications or subclassifications.

According to University of South Carolina A/E cost estimate this scope of work has thirty seven percent of General Contractor's work and sixty-three percent of Mechanical Contractor's work.

Attached is a copy of the bid tabulation and Notice of Intent to Award.

Regards,

*Juaquana Brookins*

Juaquana Brookins  
Procurement Manager I